

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROGER D SANDERS,

Plaintiff,

V.

MARK NELSON et al.,

Defendants.

CASE NO. C11-5898-BHS-JRC

ORDER TO PROVIDE
ADDITIONAL BRIEFING
REGARDING POSSIBLE
INJUNCTIVE RELIEF

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636 (b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion for preliminary injunction (ECF No. 6). Defendants have responded (ECF No. 14). Plaintiff has replied (ECF No. 19).

The briefing supplied by the parties is not adequate for the Court to determine if plaintiff is entitled to injunctive relief on the issue of legal access. All other issues are adequately briefed. Regarding the issue of legal access, plaintiff alleges that the law library is inadequate, and that he had a case pending in Oregon when he was placed in the jail. Plaintiff does not inform the Court as to the nature of the case in Oregon. Further, he alleges that he cannot get legal copies and is having trouble sending mail to courts (ECF No. 6). The exhibits cited by plaintiff in his briefing

1 are attached to the complaint and to a "praecipe." (ECF No. 9). These exhibits largely consist of
2 self serving kites, which plaintiff claims were never answered.

3 Defendants respond by arguing that plaintiff fails to show a likelihood of success on the
4 merits (ECF No. 14). The response misses the point. How can the plaintiff make such a showing
5 if, as he alleges, he cannot obtain copies or mail documents to the Court? Both parties need to
6 provide additional information.

7 By March 2, 2012, plaintiff will provide the Court with information regarding what cases
8 he alleges he has had dismissed as a result of the alleged inadequacies in the jail's law library
9 and alleged inability to get copies. The information must provide the nature of the action, the
10 court in which it is, or was, pending and a cause number.

11 By March 2, 2012, defendants will provide the Court with the inventory of items
12 available in the law library and the hours of operation when this particular plaintiff could access
13 the library. Defendants will also supply the Court with the jail's policy for making legal photo
14 copies for inmates and address specifically any provisions for making copies for indigent
15 inmates.

16 Each party will have until March 16, 2012 to respond to the other side's contentions. The
17 Court will consider the motion for injunctive relief on March 16, 2012. The Court notes that
18 defendants filed an answer (ECF No. 15). A separate Scheduling Order will be entered.

19 The Court asks the Clerk's Office to re-note the motion for injunctive relief (ECF No. 6)
20 for March 16, 2012.

21 Dated this 26th day of January, 2012.

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23

24 J. Richard Creatura
United States Magistrate Judge